

**West Mojave Plan  
Task Group 1  
Green Tree Inn, Victorville  
February 11, 2002**

**Attendees**

**Task Group:** Ileene Andersen, Ray Bransfield, Jackie Campo, David Charlton, Paul Condon, Mike Connor, Tom Dailor, Alisa Ellsworth, Clarence Everly, Jeri Ferguson, Al Guzman, Jeanette Hayhurst, Pete Heringer, Manuel Joia, Becky Jones, Peter Kiriakos, Susan Koleda, Brian Ludicke, James McRea, Steven Morgan, Lorelei Oviatt, Doug Parham, Mickey Quillman, Tim Read, Randy Scott, Courtney Smith, Claudia Steiding, Debbrah Stevens, Bob Strub, Barbara Veale, Kati Wash, Pete Westman, Martin Wilkins, Darrell Wong.

**West Mojave Team:** Bill Haigh, Larry LaPre, Ed LaRue, Valery Pilmer.

**Introduction**

Bill Haigh opened the meeting at 9:40 AM and introductions were made. He asked that any changes be sent to him regarding the meeting notes for the January 23, 2002 meeting. Haigh noted that he is no longer requesting an additional February Task Group 1 meeting. The next meeting date will be March 6, 2002, with a second meeting scheduled on March 21<sup>st</sup>. Haigh also announced that Tim Salt, California Desert District Manager, had been reassigned. Linda Hansen has been assigned as Interim District Manager until June 2002.

Haigh reminded the group that the lawsuit settlement agreement with the Center for Biological Diversity requires that any BLM decisions required for the West Mojave Plan be made by June 30, 2003. The judge for the case recently denied any time extensions. Haigh noted that this dictates the following schedule for the plan:

Notice of Intent for EIS	April 2002
Supergroup review of the plan	April 2002
Scoping of EIS	May 2002
Draft EIS	Late Fall 2002

Haigh indicated that if these dates are met, the June 2003 final date can be met. Haigh also noted that the local permits will likely follow a different schedule. In order to make these dates, Task Group 1 will need to complete its work in the next three meetings.

**Multi-Species: "Big Picture" Issues**

Larry LaPre noted that he had a few "big picture" items to cover before starting on the South-

Central Bioregion. He noted that a new revised species scorecard was provided. Only two species are shown as “deferred” on this list. The Burrowing owl is one, and LaPre noted that a proposal addressing this species has been provided to California Department of Fish and Game (CDFG) for review. The Mountain plover is the other deferred species. West Mojave Team staff will be recommending that the Mountain plover not be covered by the plan. LaPre also noted a new table showing changes in species coverage under incidental take permits was provided.

Ileene Anderson asked about the status of Desert cymopterus. LaPre responded that a meeting will be held on March 7<sup>th</sup> to discuss species management on military lands. The meeting will be between military representatives, CDFG and USFWS. LaPre noted that Desert cymopterus is difficult since most of the known populations are on Edward Air Force Base, and that a final decision on how to address this species has been deferred until after the March 7<sup>th</sup> meeting.

Mike Connors asked whether the Bendire s thrasher has been officially dropped. Larry LaPre responded that coverage for Bendire s thrasher will not be sought since there is insufficient information on the species in the West Mojave. The BLM will manage for the species on BLM lands, however. LaPre added that if the species is listed in the future and sufficient information becomes available, the West Mojave Plan could be amended to provide coverage.

Mike Connors asked about the status of the Mojave Tui chub and Kelso Creek monkeyflower. LaPre responded that the monkeyflower occurs on a single private property ownership in Kern County, and Kern County has indicated it does not want a permit for the species. The plan proposes that the BLM augment what it is doing for the monkey flower on public lands, which may include more fencing between the public and private land holdings. In regards the Tui chub, the wildlife agencies did not want to include the species on the list of covered species. USFWS and CDFG will take care of this species.

### **Multi-Species: South-Central Bioregion (Conclusion)**

The following issues were addressed for the South-Central Bioregion:

#### **San Bernardino County Flood Control - effects on Little San Bernardino Mountains gilia**

Larry LaPre noted that he met with Randy Scott and Mike Fox from San Bernardino County to discuss how the County Flood Control District would be dealing with the drainage areas containing gilia populations north of Joshua Tree National Park. LaPre indicated that the County flood control plans are compatible with the proposed prescriptions for the gilia, as there are no plans to construct facilities in the identified drainages and the county intends to manage the drainages as flood plain. LaPre stated that the County would not be the recipient of an open space easement over the drainages, however, a special district for open space purposes could be established to take an easement for conservation purposes. Kiriakos asked that this information be memorialized

within the plan. Randy Scott noted that drainage plans for the area are reflected in the Flood Control Master Plan. Scott indicated that easements would be captured at the subdivision stage, at which time drainage studies would help define the width of the flood control easement. At the building permit stage, structures are required to be outside of the drainage area. Randy Scott and Larry LaPre will work on language reflecting this for the plan. Ileene Anderson noted that although she is glad the drainages will not be improved, she is not convinced that the proposed strategy will be effective for conserving species. Anderson sees no guarantee of protection of these drainages from OHV use, dumping, and weed invasion.

Larry LaPre noted that San Bernardino County Flood Control is also proposing flood plain management only for the several drainages referenced in the conservation strategy for the horned lizard. Randy Scott added that houses would not be permitted within the 100 year flood plain, and there would not be channel construction outside of the urban core areas.

Peter Kiriakos asked that the plan memorialize requirements for CalTrans to provide wildlife crossings. The fact that CalTrans is not likely to be signatory to the West Mojave Plan was discussed. Darrell Wong, CDFG, indicated that CalTrans cannot be compelled to participate in the West Mojave Plan, however, it may be in their best interest to cooperate in order to obtain the required permits. Randy Scott suggested adding the following language to the plan: "Encourage CalTrans to consider and cooperate with the provisions of the West Mojave Plan." Scott also suggested that the plan define any special road design measures to give CDFG and CalTrans something to work with, such as simple designs for movement corridors and culverts.

Mike Connor asked for clarification of what percentage of populations will be conserved. Ileene Anderson responded that the goal calls for preserving 90% of the population, and noted that Joshua Tree had an impact to the species from road maintenance.

### **Pisgah Crater Area of Critical Environmental Concern (ACEC)**

Larry LaPre said that the BLM's primary mechanism to implement provisions of the West Mojave Plan is by creating ACECs. LaPre noted that the Johnson to Parker race corridor would be permitted to pass through the ACEC, on a designated open route. Jeri Ferguson noted that the race corridor had been worked out so that it would not pass through an ACEC in the NECO Plan. Bill Haigh clarified that through the ACEC, the race would be restricted to a specific race course rather than the more flexible and ill-defined competitive events corridor which now exists in the BLM's California Desert Conservation Area Plan. This provision may require monitors during race events to ensure compliance in the ACEC area. Al Guzman noted that the race is run once a year. Pete Kiriakos asked whether the route could be limited use route. Haigh responded that rather than impose a limitation on the route which is also used for utility and private property access, the plan

could impose a limitation on the number of races per year that would be allowed through this area.

## **Brisbane Valley**

Larry LaPre noted that there were a number of comments regarding the Brisbane Valley area at the last Task Group 1 meeting. The southern portion is proposed as an ACEC for the Mojave monkeyflower. It contains about 10% of the known monkeyflower population. Most of the concern centered around the fact that the area is identified as a disposal area for land tenure adjustment. LaPre noted that a BLM managers meeting will be held tomorrow where this issue will be discussed. Tim Read noted concern about the acquisition component of the conservation strategy since the BLM has identified public lands in this area as “trade bait” for private lands in the Tortoise DWMA: checkerboard public land ownership patterns elsewhere have been “blocked up” by exchanging the intermingled private lands for public lands in the Brisbane Valley. Read also indicated that monkeyflower surveys were likely done prior to disposal of public lands in this area. Larry LaPre indicated that under his proposal, private land developed in this area would be required to mitigate at the 5:1 ratio.

Mike Connor expressed concern that the tortoise may be affected by this proposal as the area serves as a trade base for lands for tortoise mitigation. It was noted that this comment was also made at the January 23<sup>rd</sup> meeting and needs to be added to the meeting notes for that date. Randy Scott noted that there is a fair amount of private land along Route 66, and expressed concern regarding the ability to implement as a conservation area given the large percentage of private land.

Bill Haigh asked USFWS how important the Brisbane Valley population is for monkeyflower conservation. Ray Bransfield responded that he supports establishing the ACEC as it is hard to say we are conserving the species if we don't cover 10% of its range.

Jackie Campo and Pete Heringer, representing the V.I.M. mining company, indicated that if the conservation area excluded the southern ten square miles, most of the private property conflicts would be resolved. Ray Bransfield suggested looking at the best areas for the monkeyflower within Brisbane Valley, and fine-tuning the boundaries. Randy Scott agreed that the boundaries could be refined. Jeanette Hayhurst indicated she would like to participate in any discussions adjusting the boundaries of the conservation area.

Ileene Anderson asked why the Kane Springs population was not included in a conservation area. LaPre responded that this population was considered an outlier, and noted that because the population is on public land, the threats are isolated to grazing and perhaps vehicles, and both of these are being reviewed in the public forum. Anderson noted that California Native Plant Society recommends conservation across the range of the species on BLM land.

## **Additional Concerns**

Randy Scott indicated concern with the wildlife corridor connecting the San Bernardino and Granite Mountains and the practicality of establishing and regulating that corridor. Bill Haigh indicated we would note this as a special concern of the County.

## **Antelope Valley**

Bill Haigh listed several topics for discussion as follows:

### **Impact Fees**

Lorelei Oviatt requested that fees be referred to as “mitigation fees” rather than “impact fees”. She indicated that the term impact fee has other implications for the local jurisdictions. Bill Haigh indicated that staff will adjust the language and ensure that it is consistent throughout the plan and related documents.

### **Alkali Mariposa Lily Surveys**

Ileene Anderson indicated that CNPS has a problem with no surveys in the ITA area as the full range of the species will likely never be captured. She indicated that the goal of CNPS is to define the range of the plants, and would like at least a historical record. Brian Ludicke responded that the plant can only be surveyed during certain times of the year, and if the year has had low rainfall, a survey will not provide an accurate read. Ludicke noted he would not want to require a survey of developers if they would have to wait a long period of time in order to comply. Ray Bransfield agreed with Ludicke. Ileene Anderson asked that it be noted in the record that this is a non consensus point. Paul Condon noted that the overall plan approach is to spread the cost of conservation so that any one developer is not excessively burdened.

Larry LaPre noted that the Antelope Valley region is almost all private land. He further noted that CDFG has received money to do surveys of alkali seeps and springs, and may start conducting those surveys this year. Lorelei Oviatt asked that the language be looked at closely to ensure that areas within Kern County that may have Alkali mariposa lily are recognized as incidental take areas.

Ileene Anderson noted that this species overlaps many bioregions, and she would like to see an overview of this species. Anderson expressed concern that some of the other areas don't call specific attention to the lily. LaPre indicated that for areas such as Paradise Springs, Cushenberry Spring and Rabbit Spring, he had intended to highlight this species. LaPre then provided a general overview of the species and noted that the biggest overall population for this species exists around Rogers Lake. Doug Parham asked about whether the plants are found on Playas 28-32. LaPre responded that in these areas the

plants are on the boundary between public and private land, and indicated that it was not identified as an acquisition area as the populations there are not threatened.

- **Western Pond Turtle**

Mike Connor asked about the strategy for the Western pond turtle, and indicated that he feels the 200 foot buffer is inadequate as records show movement of turtles as far as 1/4 mile. LaPre responded that the 200 foot figure came from the thesis by Bobby Goodman which showed that the majority go up bank within 200 feet. Connor asked if this would also apply to Amargosa Creek. LaPre responded that he wasn't certain about this area. Connor suggested talking with managers at the Santa Rosa Plateau to see how they are handling. Connor asked whether Barrel Springs would be an incidental take area. LaPre responded that it is within a proposed SEA area in L.A. County and would be conserved. Lorelei Oviatt asked for clarification of how the 200 feet will be measured. LaPre responded that the 200 feet would be measured from the edge of the creek bank.

- **San Diego Horned Lizard**

Larry LaPre indicated that the West Mojave Plan will take credit for areas where the horned lizard is already conserved (e.g. Big Horn Wilderness), and will conserve by buying property in the Big Rock Creek area. LaPre noted that Glen Black with CDFG had previously indicated that CDFG would commit money to conservation in Big Rock Creek since multi species would be protected there. LaPre added that for the Gray vireo, the data records for the species are all outside of Big Rock Creek, so he is proposing a new conservation area within the proposed SEA for Mescal Creek in L.A. County, and eastward into Pinion Hills in San Bernardino County. This area would also take in more habitat for the horned lizard and short joint beaver tailed cactus. Debbrah Stevens asked for assurance that trails for hiking and equestrian won't be disrupted in this area. LaPre noted that hiking and equestrian uses are compatible with conservation goals.

Randy Scott asked for additional information regarding the proposal for the Gray vireo. LaPre noted that the species is unlikely to be federally listed, but could be considered for listing by the State in the future. The California population is at the edge of its range. The species likes the transition area between juniper woodland and desert scrub. There are known populations in the East Mojave, and also within the carbonate endemic plant area. Scott's primary concern is with the preponderance of private property in the Pinion Hills area, and he would need more information in order to support a conservation area for the Gray vireo in this area. Bill Haigh asked that Randy Scott and Larry LaPre get together to discuss this issue further.

- **Short Joint Beaver Tail Cactus**

Ileene Anderson asked for clarification of where the conservation areas are for this

species. LaPre responded that the primary area is at Big Rock Creek, and the other refers to the drainage areas where a setback requirement would be established. Anderson expressed concern about the straight 5:1 mitigation in areas considered a biodiversity hot spot such as Big Rock Creek.

- **SEAs and Existing Conservation Land**

Mike Connor noted that in the late 70's there was litigation against the Palmdale Airport, and the airport set aside land as part of the settlement agreement. Connor indicated he heard of a new plan to develop the area. Staff will check this with Laurie Lile, City of Palmdale. Connor will provide a copy of the paperwork to Larry LaPre.

In regards to the SEAs, Debbrah Stevens asked for assurance the trails developed within these not be wiped out. Bill Haigh noted that there is nothing in the strategy proposed for the West Mojave Plan that would affect trail use by hikers and equestrians. Lorelei Oviatt indicated that staff, however, cannot speak for any restrictions that might be applied by Los Angeles County. Oviatt suggested using the language put in place for the tortoise strategy which recognizes passive uses, including equestrian uses, as compatible uses within this area. Ileene Anderson asked for recognition that if trails conflict with resources in the area, that we reserve the right to reroute to avoid the conflict. Bill Haigh noted that the language suggested by Lorelei be included as modified to address Ileene Anderson's concern.

Lorelei Oviatt asked that a map of the various drainages referenced be provided. Larry LaPre indicated that he will provide a list and a map of the drainages.

Peter Kiriakos expressed concern with relying on the SEAs for conservation unless Los Angeles County takes a different approach in these areas in the future.

### **Lunch 12:25 to 1:45**

### **Mojave Ground Squirrel Conservation Area Boundary and Updates**

Ed LaRue provided the following updates:

- 2001-2002 TCS transects are currently being entered into the West Mojave Data Base.
- LaRue is working with Dr. Tony Krzysik to analyze the transect data to determine relationship between sign counts and tortoise occurrence.
- The 1:1 and 5:1 compensation lines are completed. Input from the local jurisdictions on these lines is the next step.

- The survey/no survey lines will be done in a couple of weeks, after which LaRue will meet with the Compensation Subcommittee to review the lines.
- In regards to the standard measures, LaRue will separate survey protocol standards from take avoidance measures.
- LaRue developed a “conflict analysis” using 1988,1999, 2001-2002 data to determine areas with high tortoise numbers and high disturbance.
- In regards to grazing, a meeting is set for tomorrow in Riverside to discuss programmatic prescriptions for grazing throughout the West Mojave. On February 19<sup>th</sup>, a meeting is set with Dave Fisher, USFWS and BLM to discuss the Ord Mountain Allotment.

Mike Connor indicated he would like to know what comes out of this meeting and would like the ability to provide input if possible. Connor would like it noted that this is not a consensus approach.

Ray Bransfield was asked about the outcome of a recent court decision concerning livestock grazing on public lands in Arizona. Bransfield responded that the case involved Section 7(a) permitting, whereas the West Mojave Plan, as an HCP will involve Section 10(a)(1)(b). Biological measures proposed by USFWS to govern public land grazing were struck down where it could not be demonstrated that the species which the measures were intended to protect actually occurred in the grazed area. He indicated he did not feel the West Mojave Plan s conservation strategy is inconsistent with the holding of the opinion.

Ed LaRue indicated that the various requested changes to the Mojave Ground Squirrel boundary were considered by the MGS Technical Advisory Group (TAG) on February 7<sup>th</sup>. The primary concern expressed by the biologists at that meeting was connectivity between the northern and southern part of the habitat. The TAG recommended the following:

- Add an area south of Searles Dry Lake, around the Trona Pinnacles.
- Extend the Conservation Area into NEMO Plan area north of Searles Dry Lake.
- Add a triangle area North and East of Searles
- Exclude any private land through the Searles/Trona Area from the MGS Conservation Area, but do not exclude BLM land in this area.
- Include four privately owned parcels on Highway 14 that are in a narrow corridor between the southern and northern habitat.

LaRue sees three alternatives to include in the EIS.

- 1) The original proposed MGS Conservation Area boundary.
- 2) A boundary that recognizes all requested exclusions from the original MGS Conservation Area.
- 3) The MGS TAG proposal.



The following discussion took place:

Bob Strub, representing property owners in the Searles Valley, indicated that the community around Trona needs areas conducive to construction into which they can expand. Countney Smith indicated that some of the Inyo County release area is in the north part of the Searles Valley, however, Strub indicated he would like to have discussions with the County regarding those proposed exchange lands.

Lorelei Oviatt questioned the need for a Biological Transition Area (BTA) for the Mohave Ground Squirrel. Ray Bransfield indicated that, like the tortoise BTA, the intent is for development to be reviewed within the BTA to ensure that the HCA is not adversely affected. Steve Morgan asked that the adjusted BTA be displayed on the map. Randy Scott and Lorelei Oviatt will discuss criteria for reviewing projects within the BTA.

Mike Connor questioned whether the California City boundary is correctly shown on the map. Bill Haigh indicated that staff will contact the city to verify.

Peter Kiriakos was concerned that land is being excluded from the conservation area without assurance that the expansion area within the NEMO planning area can be included. He expressed concern that the conservation area may be non functional if all the pull-outs are accepted. Becky Jones indicated that there is not much construction happening in the areas proposed for exclusion. Bill Haigh noted that staff will talk with the NEMO group regarding making the addition within that plan. LaRue noted that the potential expansion areas for the MGS Conservation Area is primarily BLM land.

Steve Morgan indicated that there are existing businesses within the area identified to be retained within the Conservation Area along Highway 14. Ed LaRue suggested that the portion of the parcels adjacent to the highway could be excluded, with the remainder retained within the Conservation Area.

The following alternatives were identified by the group in addition to those proposed by Ed LaRue:

The MGS boundary as shown on the current "blue blob" along with the additions recommended by the MGS TAG (Mike Connor).

The MGS TAG recommendation, plus the private lands excluded in the TAG recommendation in the Searles Valley area and the BLM lands intended for transfer in Inyo County (Becky Jones).

Lorelei Oviatt asked when adjustments to the Tortoise DWMA's would be considered. Bill Haigh responded that this would be addressed at the last Task Group 1 meeting. Mike Connor expressed concern about reviewing DWMA boundaries without information on grazing strategies and route

designation. Haigh responded that by the first part of April the routes and other strategies should all be in place. He suggested that the DWMA boundaries could be reviewed for adjustments at that time. A date for the final Task Group 1 meeting was set for Monday, April 8, 2002. Staff will have the final strategies, including route designation, in place by that time.

Bill Haigh noted that during the public scoping process, broad based meetings will be held. Lorelei Oviatt noted that through that process the BLM will get a long list of other alternatives to consider. Mike Connor suggested negotiating a later end date with the Center for Biological Diversity. Haigh stated that the parties do not appear to be interested in an extension at this time.

### **Sierra Tehachapi Bioregion**

Larry LaPre identified the bioregion as extending from the Kern County line north to the northern boundary of the planning area. Bill Haigh asked for discussion points. The following issues were discussed:

#### **Middle Knob**

Debbrah Stevens stated that access to the Pacific Crest Trail need to be ensured. Larry LaPre noted that there is no intent to block access to the trail.

LaPre noted that the Middle Knob area contains some of the rarest plants in the planning area, including Kern buckwheat which grows on pavement plains. LaPre noted that it is essential that vehicles not go in these areas. Flax-like monardella and Reveals buckwheat are known only in the Middle Knob bioregion. LaPre added the Middle Knob area is a very intact and pristine area with golden eagle, black bear, deer and a high diversity of plants. Staff is proposing this area as an ACEC.

#### **Plants**

Ileene Anderson stated that she wants to see a strategy for all of the plants within this bioregion. She feels what has been provided so far is insufficient. Larry LaPre responded that the strategy for the plants is avoidance, and that one population next to a road needs to be fenced. Anderson commented that the road referred to is not needed and goes through a population of rare plants. Anderson feels that a trail would be acceptable in this location, but not a road. Ray Bransfield agreed that a clearer strategy needs to be established, including a strategy for dealing with wind energy development. Bill Haigh noted that staff will work on this.

#### **Fire Management**

Pete Kiriakos asked that language be included requiring any replanting after fires be done with native plants. He noted that the replanting done after the Domelands Wilderness fire was atrocious. Kiriakos indicated that this type of measure is more important in mountainous areas and recommended including this in the San Bernardino-Mojave

bioregion as well.

### **Kelso Creek monkeyflower**

Ileene Anderson indicated she wants to see the Kelso Creek monkeyflower covered. Lorelei Oviatt stated that Kern County will not ask for coverage for the plant since only one private property ownership is affected, and the plant will be protected on public land. Oviatt added that if development was proposed for the parcel a general plan amendment would be necessary and the owner would be required to mitigate. Ray Bransfield suggested that the conservation strategy for the monkeyflower could include acquisition of the private land. Larry LaPre noted that one possible strategy would be to build a fence along the private property land to protect the plants on BLM land. Ileene Anderson asked that the record reflect that she would like to see the Kelso Creek monkeyflower included in the plan.

### **Missing species**

It was asked whether the Willow flycatcher should be addressed. Larry LaPre indicated that Willow flycatcher surveys have been conducted in Sand, Short and Nine Mile Canyons. Dozens of flycatchers were seen, however none stayed to nest. Biologists think the birds were just passing through as none were found in an official nesting survey. The bird is a state listed species.

Mike Connor asked whether ecotones will be used in the EIS discussion. Connor is concerned that there is no biological basis for the ecotones. Haigh indicated that this has not yet been determined.

Larry LaPre indicated that the Fringe toed lizard would be discussed at the next meeting, and perhaps the Burrowing owl. Lorelei Oviatt noted that she will get with LaPre and relook at wind energy, zoning, and development proposals in the Middle Knob bioregion. Oviatt will also check into Kelso Creek monkeyflower again.

### **Meeting Dates**

Upcoming Task Group 1 meeting dates were set as follows. All meetings will be held at the Green Tree Inn, beginning at 9:30 AM.

Wednesday, March 6, 2002

Thursday, March 21, 2002

Monday, April 8, 2002

The next Task Group 2 meeting will be held at 6:30 PM on Tuesday, February 19, 2002 at the Green Tree Inn.

A Supergroup meeting was set for Tuesday, April 16, 2002 at 9:30 AM, at the Green Tree Inn.

Bill Haigh noted that the April 16<sup>th</sup> Supergroup meeting will be the day to wrap up the proposed planning effort. The Notice of Intent for the EIS will be issued about that same time, and scoping meetings will begin in mid to late May. Haigh noted that Valery Pilmer will work with the local jurisdictions to put together an implementation approach.

The next Task Group 1 meeting will cover the Great Basin-Mojave Transition Bioregion, fringe-toed lizard, and will start work on the Central Bioregion.